

REMARKS

By this amendment, claims 1-23, 33-45, 47, 48, 50, and 51 are pending, in which claims 24-32, 46, and 49 were previously canceled without prejudice or disclaimer, and no claims are withdrawn from consideration, currently amended, or newly presented. No new matter is introduced.

The Final Office Action mailed August 13, 2009 rejected claims 1, 3-12, 14-23, 33-45, 47, 48, 50, and 51 under 35 U.S.C. § 102(b) as anticipated by *Lowell et al.* (US 6,292,687) and claims 2 and 13 as obvious under 35 U.S.C. § 103 based on *Lowell et al.* (US 6,292,687) in view of *Haller et al.* (US 2002/0052539).

Applicants respectfully traverse the anticipation rejection of claims 1, 3-12, 14-23, 33-45, 47, 48, 50, and 51 over *Lowell*, as *Lowell* fails to disclose a “first signal comprising at least a general broadcast emergency signal” and/or “transmitting from the mobile wireless event handling device to a target, a second signal,” as positively recited in independent claim 1, and similarly recited in independent claims 12, 33, and 39. The Office Action (page 3) refers to column 5, lines 1-15, column 6, lines 26-50, column 7, lines 2-24, and column 8, lines 34-44, as disclosing receipt of a general broadcast signal and transmission of a second signal to a target. Further, the Office Action asserts (page 12) that “[a] transmission via a computer or cellular network to an emergency response center [as disclosed at col. 7, lines 2-24 of *Lowell*] comprises a transmission to a specific target, since the signal would be directed toward a particular recipient (i.e. the response center), rather than a signal received by all nearby antennas.

The cited portions of columns 5 and 6 state:

A sensor 27 determines whether the sign read or detected by the heart dysfunction reader 26 shows a heart dysfunction indicating imminent or occurring cardiac arrest/sudden cardiac death (CA). If so, a signal from the sensor 27 is sent to loop processor 28. Loop processor 28 sends a signal to personal alarm 30 and

also sends a signal to the locator broadcast initiator 31 which broadcasts an alarm signal to a location processor unit 32. The locator broadcast initiator 31 may also, depending upon its broadcast power and the respective distances to AED machines and to an emergency response center 34, broadcast the alarm signal to the nearest AED machine alarms 35 and to the emergency response center 34. The broadcast alarm signal would activate an AED machine alarm 35 and an alarm at the emergency response center 34.

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The locator broadcast initiator 31, along with the loop processor 28 and personal alarm 30, are generally packaged together and worn by the user such as on a belt or strap, in a pocket, or otherwise. The heart dysfunction reader 26 and sensor 27 are also mounted on the user, such as on a wrist or on the chest, and the sensor may communicate with the loop processor 28 through wires or through wireless communication. Thus, the sensor 27 may include a low power wireless transmitter to transmit sensed alarm indications to the loop processor 28 which includes a receiver for receiving such signals. An example of a heart dysfunction reader that can be used is a heart rate monitor made by Polar that can be worn on the chest such as in a bra or with a strap or other attachment. All body mounted components could be mounted together, such as on a wristband with the heart dysfunction reader 26 being a wrist pulse detector. Further, there could be multiple heart dysfunction readers mounted on a user, each with its own sensor which communicates with the loop processor 28, or each sharing a single sensor communicating with the loop processor 28. FIG. 1, shows a chest mounted heart dysfunction reader 26 and sensor 27 and belt mounted loop processor 28, personal alarm 30, and heart dysfunction reader 26 and sensor 27 may also be mounted on the belt.

According to these passages, sensor 27 sends alarm indications to loop processor 28. Loop processor then sends a signal to personal alarm 30 and to locator broadcast initiator 31. Locator broadcast initiator "broadcasts" an alarm signal to a location processor unit 32, and potentially to the nearest AED machine and/or an emergency response center.

The cited portions of columns 7 and 8 state:

It may be a stationary unit installed by a user in his or her home or office, or units installed in various parts of public or private buildings or other places such as in parks or along highways to pick up alarm signals from a locator broadcast initiator 31. The location processing unit 32 then rebroadcasts the alarm signal or connects to and sends the alarm signal via a network such as conventional or cellular telephone network or computer network to AED machine alarms 35 and to emergency response centers 34. Thus, the AED machine alarms 35 and the emergency response centers 34 may receive alarm signals from both the locator broadcast initiator 31 and the location processor unit

32. If communication is solely by a cellular telephone network, the locator broadcast initiator 31 may provide such cellular telephone communication without need for the location processor unit 32, or both the locator broadcast initiator 31 and the location processor unit 32 may provide cellular and other communication signals. An important aspect of the invention is to ensure response to cardiac arrest/sudden cardiac death as quickly as possible. Thus, redundancy in the system is encouraged and receipt from two sources of signals is a benefit.

With a GPS system, the loop processor 28 will generally merely take the GPS signals as received from GPS satellites, indicated generally as signals from the GPS satellites or other location signal generator 38, and pass them through to the locator broadcast initiator 31. With other types of locating system, the loop processor 28, locator broadcast initiator 31, or location processor unit 32 may perform location calculations or do other signal processing, as necessary, in respect to signals received by it to generate signals indicative of the victim's location that are then transmitted to the AED alarm 35 and the emergency response center 34.

According to these passages, location processing unit 32 receives the signal from locator broadcast initiator 31 and "rebroadcasts" the signal to AED machine alarm(s) 35 and emergency response center(s) 34.

The term broadcast typically refers to transmission to a large group of unspecified recipients. Absent a clear definition to the contrary in the patent, the term "broadcast" should be attributed its ordinary and customary meaning. Furthermore, the term must be interpreted the same way throughout the patent. Thus, if the "broadcast" signal sent by locator broadcast initiator 31 to location processing unit 32 is truly a general broadcast signal, as required by the claims, and therefore a signal to unspecified recipients, then the "rebroadcast" signal sent by location processing unit 32 must also be a broadcast signal to unspecified recipients, and not to a target, as recited in the claims. On the other hand, if the "rebroadcast" signal is considered to be a signal to an emergency response center 34, or a target (contrary to its ordinary meaning), then the "broadcast" signal sent by locator broadcast initiator 31 must likewise be interpreted as a signal sent to a target (i.e., location processing unit 32), and not a "general broadcast" signal, as recited in the claims. In other words, either *Lowell's* first signal is not a general broadcast

signal, or *Lowell*'s "second signal" is not transmitted to a target. In addition, rebroadcasting a signal does not constitute transmitting a "second" signal, but rather is a further transmission of the same signal.

"It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim." *In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986). *See also Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984). Since *Lowell* fails to disclose a first signal that is a general broadcast signal or a second signal transmitted to a target, *Lowell* cannot anticipate independent claims 1, 12, 33, and 39 or the claims dependent therefrom, claims 3-11, 14-23, 34-38, and 40-45, 47, 48, 50, and 51. Applicants, therefore, respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) of claims 3-11, 14-23, 34-38, and 40-45, 47, 48, 50, and 51.

In addition claims 10, 11, 21, 23, 36, and 38, which depend from independent claims 1, 12, 33, and 39, correspondingly, not only are allowable for the reasons put forth for the allowability of independent claims 1, 12, 33, and 39, but also are allowable on their own merits; these claims recite processing the first signal prior to sending the second signal. Specifically, claim 10 recites "processing the first signal prior to transmitting the second signal," claim 11 recites "verifying a source of the first signal; identifying an event associated with the first signal and related to the physiological parameters; and determining the target for the second signal," claims 21 and 36 recite "adapted to transmit signals when one or more physiological parameters satisfies a predetermined criteria," and claims 23 and 38 recite "a data processing module adapted to verify a source of signals received, the data processing module being further adapted

to identify an event associated with received signals and to determine the target for transmitted signals.”

The Office Action cites column 5, lines 16-57, as disclosing these features. However, column 5, lines 16-57, of *Lowell* discloses a personal alarm being transmitted prior to locator broadcast initiator 31 broadcasting an alarm. Claims 10 and 11, however, refer to processing the first signal, i.e., the signal broadcast by the locator broadcast initiator 31, prior to transmitting the second signal, i.e., the signal sent by location processor 32. Similarly, claims 23 and 38 recite a processor for verifying a source of signals received, i.e., the broadcast signals. Also, claims 21 and 36 refer to transmitting signals, i.e., to a target, when parameters (received in the broadcast signal) meet criteria. In other words, the claims all require processing the broadcast signal before transmitting a signal to a target, whereas *Lowell* discloses transmitting a personal alarm prior to the broadcast signal. Accordingly, the anticipation rejection of claims 10, 11, 21, 23, 36, and 38 cannot be sustained.

With regard to the rejection of claims 2 and 13 over the combination of *Lowell* and *Haller*, *Haller* does not fill in the gaps of *Lowell*, and thus fails to disclose a first signal that is a general broadcast signal or a second signal transmitted to a target. Therefore, the obviousness rejection of claims 2 and 13 cannot be sustained.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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